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TOWNSEND and TOWNSEND and CREW LLP

By: Yvonne Mock
Yvonne Mock

PATENT
Docket No.: 015270J-002120US
Client Ref. No.: 00131-US-DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter A. Seubert et al.

Application No.: 08/466,554

Filed: June 6, 1995

For: METHODS FOR AIDING IN THE
DIAGNOSIS OF ALZHEIMER'S
DISEASE BY MEASURING
AMYLOID-BETA PEPTIDE (x- \geq 41)
AND TAU

Examiner: Patricia Ann Duffy

Art Unit: 1645

**PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 C.F.R.
1.181(a)**

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed March 1, 2005,
Applicant respectfully requests withdrawal of the holding of abandonment on the ground
that an appropriate response was timely filed.

Transmitted below are copies of documents supporting the fact that the
response to the Office action in question was indeed filed before the deadline:

- 1) Copy of Transmittal Form -PTO-SB/21-mailed on February 16, 2005;
- 2) Copy of Petition for Extension of Time Under 37 CFR 1.136(a) mailed on February 16, 2005 and requesting a three-month extension of time;
- 3) Copy of Amendment mailed on February 16, 2005 in response to the Office Action mailed August 16, 2004;

- 4) Copy of return receipt postcard mailed February 16, 2005 (we do not have the actual returned postcard);
- 5) Patent Record Sheet indicating that the due date for the response to the Office Action was docketed as November 16, 2004, the original due date without extension, and that the response was docketed as completed on February 16, 2005;
- 6) Declaration of Rosemarie L. Celli; and
- 7) Declaration of Joe Liebeschuetz.

DISCUSSION

The application is abandoned due to alleged failure to respond to an office action dated August 16, 2004. The attached documents provide evidence a response with an appropriate certificate of mailing and three-month extension of time was in fact filed on February 16, 2005; that is, on the last day of the statutory period.

This petition is being filed more than two months from the date of receipt of the notice of abandonment. However, the attorney responsible for the case when the notice of abandonment was received, Rosemarie L. Celli has attested in the attached declaration that any delay in responding to the notice of abandonment was unintentional. The undersigned also attests that any delay in responding was unintentional on his part as well (see attached declaration).

CONCLUSION

In view of the foregoing, Applicant respectfully requests withdrawal of the holding of abandonment and that the aforementioned documents be entered. No fee is believed to be due, however, if any fee is required, please charge deposit account no. 10-1430.

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PATENT

If the Examiner believes a telephone conference would expedite
prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,

J. Liebeschuetz
Joe Liebeschuetz
Reg. No. 37,505

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